

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

THE CITY OF HUNTINGTON,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-01362

**AMERISOURCEBERGEN DRUG
CORPORATION, et al.,**

Defendants.

CABELL COUNTY COMMISSION,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-01665

**AMERISOURCEBERGEN DRUG
CORPORATION, et al.,**

Defendants.

ORDER

To ensure that the trial in this matter is conducted in a manner that is suitable to the circumstances of the COVID-19 pandemic, and to provide the public and the media appropriate access to the proceedings, the Court hereby orders the following:

1. Pursuant to Local Rule of Civil Procedure 83.1, no recording or broadcasting may be done from the courtroom or from other areas within the courthouse.
2. Recording devices (including, e.g., video cameras, audio recording devices, and stenotype machines) will

not be permitted inside the courthouse.

3. Trial counsel and support personnel who will actually be present in the courtroom for trial are permitted to bring electronic devices into the courthouse.

Credentialed media will also be permitted to bring electronic devices into the courthouse. While cell phones, laptops and hand-held mobile devices with ancillary photographic or audio-visual recording capability may be permitted entry, the use of such devices to photograph, record or broadcast within the courthouse is strictly prohibited and any violation is subject to confiscation of equipment and to sanction by the Court.

4. Trial of this matter will be conducted at the Robert C. Byrd United States Courthouse in Charleston, West Virginia in District Courtroom 5600. Due to seating limitations and safety protocols that are necessary because of the COVID-19 pandemic, spectators and media will not be permitted into the courtroom during trial. However, spectators and media will be able to view the proceedings via a closed-circuit audio-visual feed from designated locations within the courthouse. For the first week of trial, District Courtroom 6400 will be used as the overflow room, and additional space may be made available in the courthouse if necessary. Due to the fact that multiple trials and other events will

be taking place in the courthouse throughout the duration of the proceeding, the location of the overflow room is subject to change. Signage at the courthouse entry will indicate the location of the overflow room.

5. The spectator galleries in the overflow rooms of the courthouse are reserved exclusively for members of the general public. The trial well of the overflow rooms will be set aside for credentialed members of the media, on a first-come, first-served basis. Members of the media must present their media organization credentials in order to gain access to the trial well.
6. Credentialed media sitting in the trial wells will be permitted to use electronic communications and data entry devices (including, e.g., cellular telephones and laptop computers) subject to the restriction that no audio or video recording functions on those devices are utilized.
7. Telephone calls must be made and answered outside of the courtroom and overflow rooms and must not disturb or interfere with any other proceedings or events taking place in the courthouse. Court personnel will be present in the overflow rooms to ensure compliance with the Court's orders.
8. Media requests for copies of trial exhibits must be made of the attorney who offered the exhibit. The

Court does not provide media interviews or comments about a case. General media inquiries may be directed to the Clerk of Court at (304) 347-3000. Requests for case-specific information that is not available on the docket should be made in writing to the Clerk of Court at 300 Virginia St. East, Charleston, WV 25301.

Requests for information that will require a judicial ruling will be forwarded to the judge for consideration.

9. Media interviews of trial participants are prohibited in the courthouse or on the courthouse steps.

Interviews may be conducted on the courthouse plaza. No cameras or cables may block entrance or exit from the courthouse, including the main entrance, all emergency exits and all vehicle driveways. Care should be taken that pedestrian traffic along the sidewalks is not impeded.

10. Points of courthouse egress and ingress, as well as hallways, may not be obstructed at any time.

11. In light of the COVID-19 pandemic, the court will not be able to provide water for counsel during trial.

Therefore, counsel will be permitted to bring their own bottled water into the courtroom. Because of courthouse security concerns, only unopened bottled water will be allowed into the courthouse.

12. The Court's ongoing duty to conduct the trial in a

safe and orderly manner may result in the modification of the requirements of this order.

13. The Court reserves the right to utilize its full contempt powers in enforcing this order.

The Clerk is directed to send this Order to those counsel of record who have registered to receive an electronic NEF.

IT IS SO ORDERED this 30th day of April, 2021.

ENTER:

David A. Faber

David A. Faber
Senior United States District Judge